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EXAMINER	
NGUYEN, TANH Q	

ART UNIT	PAPER NUMBER
2182	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/871,115	APEL ET AL.	
	Examiner	Art Unit	
	Tanh Q. Nguyen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2007 (RCE)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-30,37-54,56-71,80 and 87-110* is/are pending in the application.

4a) Of the above claim(s) *37-54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-30,56-71,80 and 87-110* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2007 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-30, 56-71, 80, 87-110 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 12 recites "the process controller produces a control message for receipt by a field device, the first interface adapted to receive the control message from the

process controller for the first device" in lines 6-9. Claim 56 recites the same limitation in lines 6-9. There is no enablement for a message for a field device to be received by a first device.

Claim 56 recites "the first interface adapted...to provide one or more field device messages from the first device to the process controller" in lines 9-11. There is no enablement for field device messages to be provided from the first device.

Claim 80 recites "An apparatus for use in a process control system...the apparatus being one of an input/output (I/O) device and a field device and comprising: a process controller adapted to produce a control message for receipt by a field device" in lines 1-6. There is no enablement for an I/O device to comprise a process controller. There is no enablement for a field device to comprise a process controller. There is no enablement for a field device to comprise a process controller adapted to produce a control message for receipt by a field device.

Claim 80 recites "the process controller adapted to produce a control message for receipt by a field device...the first interface adapted to receive the control message from the process controller for the first device...or to provide one or more field device messages from the first device to the process controller" in lines 6-12. There is no enablement for a message for a field device to be received by a first device. There is no enablement for field device messages to be provided from the first device.

Claim 91 recites "a process controller...adapted to produce a control message for receipt by a field device...the first interface adapted to receive the control message from the process controller for the first device...or to provide one or more field device

messages from the first device to the process controller" in lines 3-11. There is no enablement for a message for a field device to be received by a first device. There is no enablement for field device messages to be provided from the first device.

5. Claims 56-71, 91-110 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 56 recites the limitation "the first device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 91 recites "a plurality of I/O devices coupled to the bus for providing communications between the process controller and a plurality of first devices" in lines 6-7. The limitation suggests the possibility that each of the plurality of I/O devices provides communications between the process controller and all the first devices, which is not supported by the specification.

Claim 92 recites "each I/O device of the plurality of I/O devices further comprises a second interface for coupling the I/O device to at least one of the plurality of first devices" in lines 1-3. The limitation suggests that the at least one of the plurality of first devices is not the same as the first device recited in claim 91, therefore suggests that the first device is not necessarily coupled to the I/O device through the second interface - which is not supported by the specification.

Claim 93 recites "wherein the at least one of the plurality of first devices is a field device" in lines 1-2. The limitation suggests that the at least one of the plurality of first devices is not the same as the first device recited in claim 91, and/or the field device is

not the same as the field device in claim 91.

6. The rejections that follow are based on the examiner's best interpretation of the claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 12-13, 18; 56-57, 62; 80, 87-88; 91-94, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. (US 5,202,822).

10. As per claim 12, McLaughlin teaches an input/output (I/O) device [IOP 21-A and FTA 251, FIG. 5] for use in a process control system [10, FIG. 1] for providing

communications between a process controller [30, 40 - FIG. 5] and a field device [250, FIG. 5], the process control system including a plurality of I/O devices [21-A...21-D, FIG. 2 with corresponding field terminal assemblies (FTAs)] in communication with the process controller using a bus [22, 23 - FIG. 5], the I/O device comprising:

a first interface [IOP 21-A interfacing with FTA 251 at terminal 252, FIG. 5; IOP 21-A interfacing with FTA 251 at terminal A, FIG. 6] for communicatively linking the I/O device with the process controller via the bus (FTA 51 is communicatively linked with the process controller via the bus; note that the limitation does not require the first interface to be directly connected to the bus), wherein it is necessary and known for the processor controller to produce a control message for receipt by the field device, the first interface adapted to receive the control message from the process controller for the field device via the bus, and wherein the field device is known to control a physical process control parameter or measure a physical process control parameter;

a second interface for communicatively linking the I/O device with the first device apart from the bus [FTA 251 connecting with field device 250 at terminal 252, FIGs. 5-6]; and

a device processor [202-A, FIG. 5] coupled with the first interface [IOP 21-A coupled to FTA 251, FIG. 5] for controlling operation of the I/O device including performing fault detection for the I/O device [col. 6, lines 36-45; col. 8, lines 60-67];

wherein the device processor, upon detection of a potential device fault, severs the communication link provided by the first interface with the bus [col. 6, line 68-col. 7, line 21; col. 8, line 67-col. 9, line 9].

Note that it was known in the art at the time the invention was made [e.g. Kimura (EP 0472169A2); Hamura et al. (JP 59-111504); "known by those skilled in the art" statements in the response filed July 13, 2006 by applicant] for a process controller to produce a control message for receipt by a field device in order to control a field device in accordance with a physical process control parameter (e.g. a message for controlling the opening of a valve to a full position), and for the field device to measure a physical process control parameter in order to monitor a process controlled by a process control system (e.g. measuring a temperature at a location to make sure that it does not exceed a certain threshold). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the process controller of McLaughlin to produce a control message for receipt by the field device in order to control the field device, and for the field device to measure a physical process control parameter in order to monitor a process controlled by the process control system.

11. As per claims 13, 18, McLaughlin teaches the bus including a data line and the first interface communicatively linking the I/O device with the data line of the bus, and the device processor, upon detection of the potential device fault, severing the communication link provided by the first interface with the data line [col. 3, lines 32-38];

the bus including a plurality of data lines [22, 23 - FIG. 5], and the first interface communicatively linking the I/O device to the plurality of data lines, wherein the device processor, upon detection of the potential device fault, severs the communication link provided by the first interface with the plurality of data lines of the bus [col. 3, lines 32-38].

12. As per claims 56-57, 62, the claims generally correspond to claims 12-13, 18 above, hence are rejected on the same bases.

13. As per claims 80, 87-88, see the rejections to claims 12-13 above.

14. As per claims 91-94, 99, see the rejections to claims 12-13, 18 above.

15. Claims 19-20, 28; 63-65; 100-101, 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. in view of Safadi (US 5,379,278).

Safadi teaches the fault detection being an initial fault detection, and further comprising a later fault detection performed by the I/O device after the communicative link from the I/O device and the bus is severed [col. 4, lines 52-67]; the later fault detection being performed in a similar manner to the initial fault detection [col. 4, lines 52-67]; the device processor performing further fault detection upon severing of the communication link, wherein when the device processor detects no device fault from the further fault detection, the device processor reestablishes the communication link with the bus [col. 4, lines 52-67; Abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings by Safadi in McLaughlin because such teachings would assure that a faulty I/O device is properly disconnected, and that a non-faulty I/O device is not improperly disconnected.

16. Claims 15-16, 23-27; 59-60, 66-69; 90; 96-97; 103-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Laughlin in view of Yap (USP 6,073,193).

17. As per claims 15-16, 59-60, 90, 96-97, McLaughlin discloses the invention except for the data line being capable of being affected by the I/O device, and except for the

data line being at least one of a transmit data line and a clock data line.

Yap teaches a data line being capable of being affected by the I/O device [col. 5, lines 63-67], and the data line being a transmit data line [D+, D-, FIG. 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a data line, such as one being taught by Yap, in order to allow the data line to be affected by the I/O device.

18. As per claims 23-27; 66-69, 103-107, McLaughlin discloses the invention except the device processor fault detection including the device processor attempting to affect the bus using the first interface, wherein the device processor detects the potential device fault by an inability of the device processor to affect the bus.

Yap teaches the device processor fault detection including the device processor attempting to affect the bus using the interface [col. 5, lines 63-67], wherein the device processor detects the potential device fault by an inability of the device processor to affect the bus [brown out condition: col. 5, lines 53-55; col. 1, lines 43-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the device processor fault detection to include the device processor attempting to affect the bus using the interface, as is taught by Yap, in order to allow the data line to be affected by the device processor - upon potential device fault detection.

Yap further teaches the device processor attempting to affect the bus including the device processor attempting to change the state of the bus;

the device processor attempting to change the state of the bus including the

device processor forcing a state on the bus [col. 5, lines 63-67];

the device processor forcing the state of the bus including the device processor transmitting one of a digital high value and a digital low value on the bus [col. 3, line 66-col. 4, line 6; col. 4, lines 33-36]; and

the device processor reading the bus after attempting to affect the bus [col. 5, lines 59-63], wherein the device processor determines the inability to affect the bus using the reading of the bus [col. 5, lines 30-34].

19. Claims 17, 61, 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Laughlin/Safadi in view of Yap and Lee et al. (USP 6,615,301).

20. As per claim 17, McLaughlin/Safadi teaches the device processor, upon detection of the potential device fault, performing further fault detection on the I/O device and determining a device fault [col. 4, lines 52-67]. McLaughlin/Safadi, therefore, teaches the claimed invention except for a driver device coupled between the device processor and the first interface, the driver device having a driver output coupled to the first interface and readable by the processor, wherein the device processor performs further fault detection on the device by forcing states to the driver output.

Yap teaches a USB data line [6a, FIG. 1] coupled between the device processor [6, FIG. 1] and an interface [FIG. 4], the data line being readable by the processor [FIG. 1], and device processor forcing states onto the data line [col. 4, lines 14-21].

Lee teaches a driver device driving a USB data signal [col. 5, lines 55-56]. Yap, in combination with Lee, teaches a driver device coupled between the device processor and the first interface, the driver device having a driver output coupled to the interface

and readable by the processor, wherein the device processor performs further fault detection on the device by forcing states to the driver output.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a driver device, as is taught by Yap and Lee, in order to drive data over the bus.

21. Claims 21-22, 29-30; 70-71; 102, 109-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Laughlin in view of AAPA (Applicant Admitted Prior Art - DESCRIPTION OF THE RELATED ART SECTION of Pub. No. 2002/0184410 and [0074]].

22. As per claims 21-22, 102, McLaughlin teaches the claimed invention except for the potential device fault including the I/O device prohibiting other I/O devices utilizing the bus from communicating over the bus, and the device processor severing of the communication link with the bus allowing the other I/O devices to communicate to one another over the bus; and except for the I/O device prohibiting other I/O devices utilizing the bus from communicating over the bus including the I/O device affecting the bus by the I/O device transmitting an undesired signal on the data line of the bus.

AAPA teaches a faulty I/O device preventing all other I/O devices on the bus connecting a controller to various I/O devices from communicating with one another and the controller, and causing the bus to go out of service - a condition that poses danger to nearby workers as process activities controlled by the bus may be operating with limited or no control and/or monitoring [[0011] of Pub. No. 2002/0184410] - hence teaches the potential device fault including the I/O device prohibiting other I/O devices

utilizing the bus from communicating over the bus, and suggests to one of ordinary skill in the art to remove the faulty I/O device from the bus to keep the bus from going out of service and prevent a condition that poses danger to nearby workers.

Mclaughlin teaches the device processor (of I/O device) severing the communication link with the bus upon detection of a potential device fault. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the severance of the communication link, when applied to an faulty I/O device capable causing the bus to go out of service (as is taught by AAPA), would effectively remove the faulty I/O device from the bus in order to keep the bus from going out of service and allow the other I/O devices to communicate to one another over the bus.

AAPA further teaches the faulty I/O device producing an undesirable signal on a bus data line common to all I/O devices on the bus, the undesirable signal prohibiting communication between all I/O devices and the controller on the bus [[0011] of Pub. No. 2002/0184410] - hence teaches the I/O device prohibiting other I/O devices utilizing the bus from communicating over the bus (the faulty I/O device) including the I/O device affecting the bus by the I/O device transmitting an undesired signal on the data line of the bus.

23. As per claims 29-30, 70-71, 109-110, McLaughlin discloses the invention except for the process control system operating in macrocycles, the macrocycles including at least one synchronous time slot and at least one asynchronous time slot corresponding to the synchronous time slot, and further comprising the I/O device being assigned to one of the synchronous time slots, where the device processor performs fault detection

during the asynchronous time slot following the corresponding synchronous time slot; and except for the device processor performing the fault detection when the I/O device is not transmitting I/O device information on the bus.

AAPA teaches an I/O device affecting a bus data line (i.e. to perform fault detection) during an asynchronous communication time frame after its corresponding synchronous communication time frame (i.e. the I/O device being assigned to the synchronous communication time frame) within the macro cycle being appreciated by one skilled in the art - where a communication protocol utilizing synchronous and asynchronous communications within macrocycles is used [[0074]]. Likewise, AAPA teaches performing the fault detection when the I/O device is not transmitting I/O device information on the bus (i.e. I/O device information being transmitted during synchronous time frame, and fault detection being performed during asynchronous time frame following a corresponding synchronous time frame).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the process control system to operate in macrocycles, as is taught by AAPA, in order to allow the device processor to perform fault detection during the asynchronous time slot following the corresponding synchronous time slot (i.e. to perform the fault detection when the I/O device is not transmitting I/O device information on the bus) where a communication protocol utilizing synchronous and asynchronous communications within macrocycles is used - as is known in the art.

24. Claims 29-30, 70-71; 109-110 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin in view of Kato et al. (USP 6,397,277).

Kato teaches macrocycles [synchronization cycles, FIG. 12] including at least one synchronous time slot [isochronous packets, FIG. 12] and at least one asynchronous time slot [asynchronous packet B, fig. 12] corresponding to the synchronous time slot [within the same synchronization cycle, FIG. 12], and further comprising the I/O device being assigned to one of the synchronous time slots [channels J-N, FIG. 12; col. 8, lines 38-41; col. 9, lines 8-10], the asynchronous time slot following the corresponding synchronous time slot [FIG. 12].

Kato further teaches the synchronous transmission guaranteeing a predetermined amount of data being transmitted within a predetermined time interval [col. 9, lines 5-7; col. 9, 9-11; FIG. 12] - hence synchronous transmission being suitable for transmission of data that are generated on a periodic basis; and asynchronous transmission guaranteeing reliable transmission [col. 9, lines 13-16 - as acknowledge and retry signals are normally used to guarantee reliable data transmission], asynchronous transmission being an operation that traditionally takes place as soon as possible [col. 1, lines 57-58], and asynchronous transmission being suitable for non-periodic data transmission.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the process control system to operate in macrocycles, as is taught by Kato, in order to allow transmission of I/O device information (i.e. transmission of data related to the actual process control activities) to be scheduled during synchronous time slots to guarantee transmission within a predetermined time interval - as data related to the actual process control activities are often generated on a periodic

basis; and further for the device processor to perform the fault detection during an asynchronous time slot in order to transmit a fault indication, upon detection of a fault, as soon as possible and in a reliable manner.

As above, Kato teaches transmitting I/O device information during a synchronous time slot; and asynchronous transmission being performed by using a time unit not used for synchronous transmission, the asynchronous time slot being used for reliable data transmission and the asynchronous data transmission taking place as soon as possible. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the device processor to use the synchronous time slot and the asynchronous time slot for data transmission, as is taught by Kato; and further for the device processor to perform the fault detection during the asynchronous time slot (i.e. when the I/O device is not transmitting I/O device information on the bus) in order to transmit a fault indication, upon detection of a fault, as soon as possible and in a reliable manner.

Response to Arguments

25. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

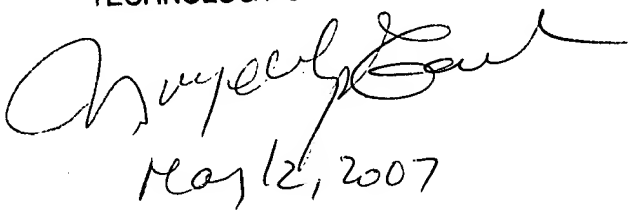
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-

4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100



May 12, 2007

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